



Public Notice

U.S. Army Corps of Engineers, Norfolk District

28 August, 2012

CENAO-WR-R
NAO 2009-02411
2012-V1189

FEDERAL PUBLIC NOTICE

The District Commander has received a joint application for Federal and State permits as described below:

APPLICANT

Coastal Precast Systems
1316 Yacht Drive
Chesapeake, Virginia 23320

WATERWAY AND LOCATION OF THE PROPOSED WORK: The proposed project is located on a 35-acre site along the Southern Branch of the Elizabeth River at 1316 Yacht Drive in Chesapeake, Virginia.

PROPOSED WORK AND PURPOSE:

Coastal Precast Systems (CPS) currently utilizes two loading docks to accommodate barges as large as 56 ft x 220 ft. The precast market is expanding and in order to meet current demands for larger precast structures, CPS needs to construct two new piers to support a Travel Lift system with a 360-ton gantry to accommodate the wider and heavier precast loads so they can produce and ship these products cost effectively. The rail system will lead from the docks to the manufacturing plant with the ability to load precast products ranging in weight from 100 to 350 tons. The piers must also be built to accommodate the appropriate sized barges to transport the target product. The immediate need for this system is to stay competitive in the quest for the precast work for the Tappan Zee Bridge Replacement Project in New York.

The current Travel Lift system, while still viable and integral to current operations, is not capable of transferring the precast loads required for larger projects such as the Tappan Zee Bridge Replacement Project. The proposed project includes two new Travel Lift piers that will extend an average of 230 ft beyond MHW with a 79 ft distance between them. The concrete pier deck supporting the northern rail is 13 ft wide and the concrete pier deck supporting the southern rail is 8 ft wide. A structural bulkhead is proposed along the shoreline with return walls toward the land. The area landward of the bulkhead will be filled to support the loads associated with the rail systems and the area channelward of the bulkhead will be dredged to a depth of -14 ft MLW to accommodate the transport barges. In addition to the piers, two 13-pile mooring dolphins will be installed to protect the pier ends and secure barges. Wave break bulkheads (similar to existing structures at the site) will be constructed on both sides of the structural bulkhead/dredged basin to protect adjacent wetlands.

This project will have an impact on state-owned bottomland, non-vegetated tidal wetlands,

vegetated tidal wetlands, and scrub-shrub, non-tidal wetlands. Three pier locations were evaluated at the site and the location with the least impact to wetlands that met the design requirements was chosen as the selected plan. The selected location would impact approximately 27,175 sf of existing subaqueous bottom, 1,325 sf of non-vegetated tidal wetlands, 5,025 sf of vegetated tidal wetlands, and 2,285 sf of non-tidal (scrub-shrub) wetlands.

CPS proposes mitigation of the non-vegetated tidal wetlands at a ratio of 0.5 to 1 and the vegetated tidal wetlands at a ratio of 1:1. CPS proposes to purchase 5,687 tidal credits (sf) from the Libertyville Bank located within a mile (+/-) of the facility and within the same HUC. The non-tidal, scrub shrub will be mitigated at a 1.5:1 ratio, and CPS proposes to purchase 0.08 non-tidal wetland credits (3,427 sf) from the Great Dismal Swamp Restoration Bank – Lewis Farm.

In addition to the required Department of the Army permit, the applicant must obtain a Virginia Water Protection Permit/401 certification from the Virginia Department of Environmental Quality assuring that applicable laws and regulations pertaining to water quality are not violated and a permit from the Chesapeake Wetlands Board. Project drawings are attached.

AUTHORITY: Permits are required pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), Sections 401 and 404 of the Clean Water Act (Public Law 95-217) and Title 62.1 of the Code of Virginia.

FEDERAL EVALUATION OF APPLICATION: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. The decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected from the proposal must be balanced against its reasonably foreseeable detriments. All of the proposal's relevant factors will be considered, including conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use classification, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people. The Environmental Protection Agency's "Guidelines for Specification of Disposal Sites for Dredged or Fill Material" will also be applied (Section 404(b)(1) of the Clean Water Act).

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the direct, indirect, and cumulative impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity. Anyone may request a public hearing to consider this permit application by writing to the District Commander within 30 days of the date of this notice, stating specific reasons for holding the public hearing. The District Commander will then decide if a hearing should be held.

Preliminary review indicates that: (1) no environmental impact statement will be required; (2) no species of fish, wildlife, or plant (or their critical habitat) listed as endangered or threatened under the Endangered Species Act of 1973 (PL 93-205) will be affected; and (3) no known

properties eligible for inclusion or included in the National Register of Historic Places are in or near the permit area, or would likely be affected by the proposal. Additional information might change any of these findings. For compliance with the Coastal Zone Management Act of 1972, as amended, the applicant must certify that federally licensed or permitted activities affecting Virginia's coastal zone (Tidewater) will be conducted in a manner consistent with the Virginia Coastal Resources Management Program (VCP). For more information or to obtain a list of the enforceable programs of the VCP, contact the Department of Environmental Quality, Office of Environmental Impact Review at (804) 698-4330 or e-mail: elirons@deq.virginia.gov.

The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996 (Public Law 104-267), requires all Federal agencies to consult with the National Marine Fisheries Service on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). According to a GIS database search, the project area does not fall in designated Essential Fish Habitat (EFH). The project location does fall within area designated as supporting Anadromous Fish Use. Authorizations for discharges of dredged or fill material anadromous fish use areas will be conditioned to limit in-stream work within timeframes recommended by the Virginia Department of Game and Inland Fisheries (VDGIF) and/or NOAA Fisheries Service (NOAA). Coordination with DGIF and/or NOAA will be conducted by the Corps. The applicant shall not begin work until notification is received that all coordination has been completed and/or the Corps has provided the applicant with the appropriate time of year restrictions regarding work in anadromous fish use areas. **Our rationale for this preliminary determination is based on the expected short-term nature of the direct impacts/minimal increases in turbidity/changes in water temperature or salinity caused by the proposed work/the absence of vegetated wetlands, submerged aquatic vegetation, and anadromous fish spawning habitat/ existing poor water quality/unsuitable substrate.** Based on comments from the National Marine Fisheries Service in response to this public notice, further EFH consultation may be necessary.

COMMENT PERIOD: Comments on this project should be made in writing, addressed to the Norfolk District, Corps of Engineers CENAO-WR-R, attention Tucker Smith, 803 Front Street, Norfolk, Virginia 23510-1096, and **should be received by the close of business on 26 September, 2012.** You may also submit written comments to the Virginia Marine Resources Commission (VMRC), attention Justine Woodward, Habitat Management Division, 2600 Washington Avenue, Third Floor, Newport News, Virginia 23607. To ensure Corps of Engineers' consideration of your comments, please copy the Corps by letter or email on comments submitted directly to VMRC.

PRIVACY & CONFIDENTIALITY: Comments and information, including the identity of the submitter, submitted in response to this Public Notice may be disclosed, reproduced, and distributed at the discretion of the U.S. Army Corps of Engineers. Information that is submitted in connection with this Public Notice cannot be maintained as confidential by the U.S. Army Corps of Engineers. Submissions should not include any information that the submitter seeks to preserve as confidential.

If you have any questions about this project or the permit process, contact Tucker Smith at 757-201-7320 or by email at tucker.smith@usace.army.mil.

FOR THE DISTRICT COMMANDER:

A handwritten signature in black ink that reads "M Tucker Smith" followed by a stylized flourish.

Kimberly A. Prisco-Baggett, MBA
Chief, Eastern Virginia
Regulatory Section

Attachment: Drawings